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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUNDESA, LLC, a Utah limited liability
company,

Plaintiff,

v.

MUSCLE NUTRITION LLC, a Nevada limited
liability company,

Defendant.

CASE NO.: 2:14-cv-00368-MMD-NJK

**[PROPOSED] CONSENT JUDGMENT OF
INFRINGEMENT AND ORDER FOR
PERMANENT INJUNCTION**

WHEREAS Plaintiff Sundesa, LLC ("Sundesa") and Defendant Muscle Nutrition LLC ("Muscle Nutrition") have agreed to settlement of the matter in issue between them and to entry of this consent judgment of infringement and order for permanent injunction, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

STIPULATED FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff Sundesa is a Utah limited liability company having its principal place of business in Lehi, Utah.

2. Defendant Muscle Nutrition is a Nevada limited liability company with its principle place of business in Carson City, Nevada.

3. Sundesa is the exclusive licensee of United States Patent No. 6,379,032 (the '032 Patent").

4. Sundesa is the exclusive licensee of United States Design Patent No. D510,235 (the '235 Design Patent").

5. Muscle Nutrition has imported and used Muscle Nutrition Shaker Cups in the United States that fall within the scope of one or more of the claims of Sundesa's '032 Patent.

6. Muscle Nutrition has imported and used Muscle Nutrition Shaker Cups in the United States that fall within the scope of one or more of the claims of Sundesa's '235 Design Patent.

7. Sundesa filed a complaint in the United States District Court for the District of Nevada, Case No.: 14-cv-00368-MMD-NJK, against Muscle Nutrition for infringement of the '032 Patent and the '235 Design Patent.

8. The Muscle Nutrition Shaker Cups infringe at least one valid claim of the '032 Patent and at least one valid claim of the '235 Design Patent.

STIPULATION

To resolve the dispute by settlement and agreement, without the necessity of extensive litigation and the expenses and inconveniences incident thereto, Sundesa and Muscle Nutrition have agreed to enter into a settlement agreement, wherein Muscle Nutrition agrees to cease using, and importing into the United States, any Muscle Nutrition Shaker Cups, or any other product that falls within the scope of one or more claims of the '032 Patent or the '235 Design Patent. Muscle Nutrition further agrees to destroy any remaining Muscle Nutrition Shaker Cups in its possession.

Sundesa and Muscle Nutrition have also agreed that this Court shall retain subject matter jurisdiction, and personal jurisdiction over Muscle Nutrition, to enforce the Consent Judgment and Permanent Injunction.

ORDER

Pursuant to 35 U.S.C. § 283, Muscle Nutrition, its agents, officers, servants, employees, and attorneys, and all persons in active concert and participation with them who receive actual notice of this Order by personal service or otherwise, are hereby permanently enjoined from making, using, selling, offering for sale, and importing into the United States, Muscle Nutrition Shaker Cups or any other product falling within the scope of one or more valid claim of either the '032 Patent or the '235 Design Patent.

IT IS SO ORDERED.

Dated: June 10, 2014



UNITED STATES DISTRICT JUDGE